

W444

DATE: May 30, 2001

GENERAL INFORMATION:

1. This is a request to the County to vacate the street ROW of 11th Street from Fletcher Blvd to Interstate 80.

2. The abutting property owner at the east, Donald and Linda Spilker, petitioned for the vacation.
3. This is currently a half county road right-of-way that does not appear to have ever been opened. The applicant states the strip was created in 1888.
4. The Comprehensive Plan does not show this as a major street. N 1st Street to the west is a principal arterial. N. 14th Street to the east is a Minor Arterial and is shown as a Public Way Corridor. The bridges over I-80 at North 1st and 14th are under review as to future configuration and location in conjunction with the reconstruction of I - 80. This area is shown in the Future Service Limit and is designated for Urban Residential.
5. There is an existing power line in the right-of-way.
6. The Public Works and Utilities Department reviewed this proposal and notes no objection.
7. The County Engineer has not responded at the time of this writing.
8. The applicants indicate they wish to expand the existing steel building that was built in 1991. Removal of the street will change the setback from a front yard of 50' to a side yard of 60' but will also move the lot line by 30' if added to this lot. The County Engineer Office determines the disposition of the parcel and how, and if, it is split between the abutting owners.
9. The lots to the west of this street are shown as ownership "tied" parcels that have frontage and access to other streets. This vacation creates lots without frontage and access (i.e, Lot 6 or Lot 7).
10. The Subdivision regulations require a maximum block length of 1320' in order to allow cross connections between areas of development. This will create a block face of one mile without cross streets. However, later urban development will be required to provide cross streets during platting.
11. This is the only through north-south street at this time between N. 1st and N. 14th Streets.
12. As the city grows to the north, well planned development will provide appropriate streets.

13. This is a County Road in the City three mile jurisdiction and will require approval by both the City Council and the County Board.

CONCLUSION:

This area has high potential for development in the near future and the street should not be vacated until replatting. Removing this half street may allow the addition to the building by the applicant but creates lots without frontage.

STAFF RECOMMENDATION:

Denial of the Vacation.

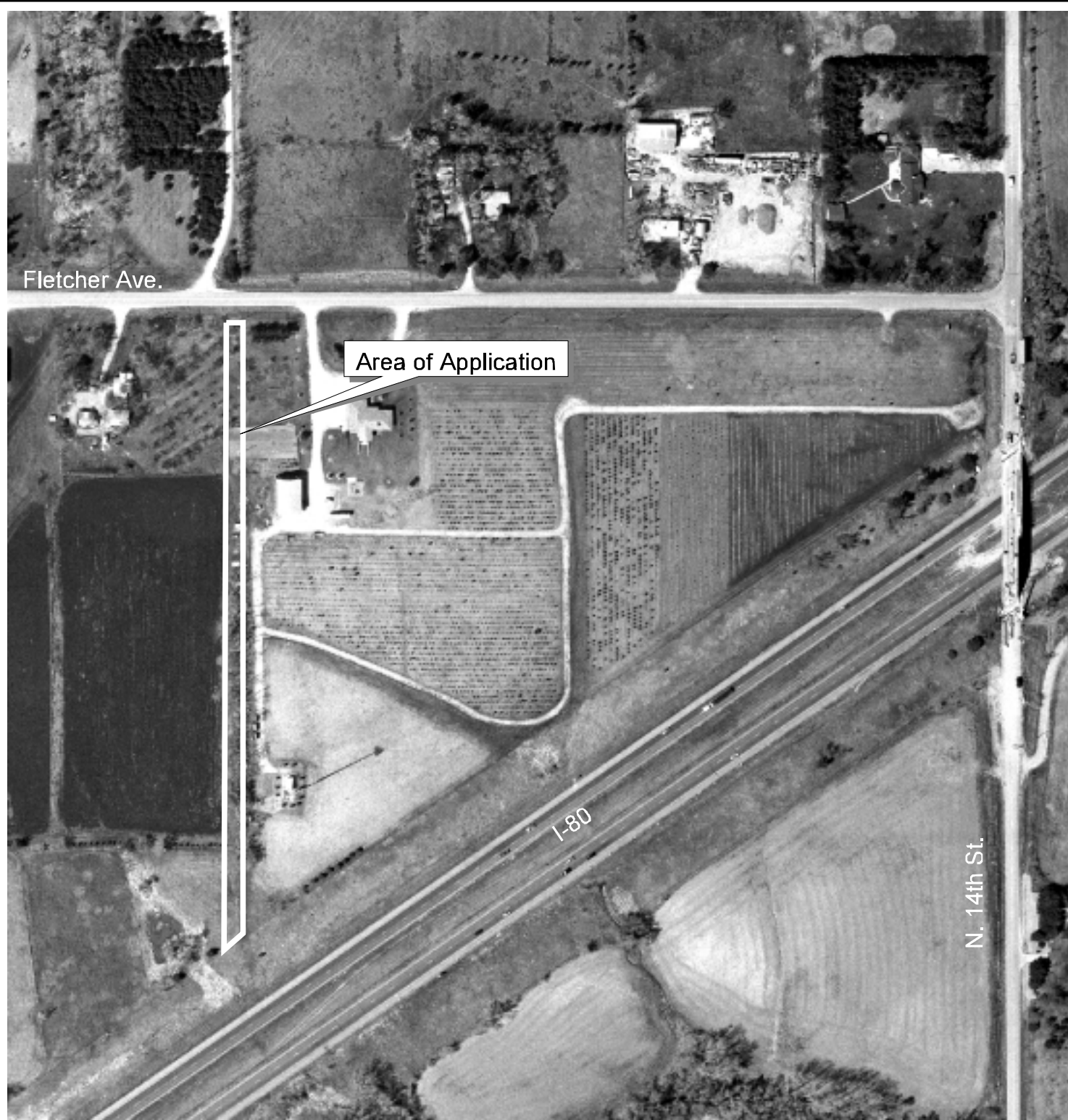
If, after public hearing, the Planning Commission votes to approve this request, the following conditions are suggested by staff.

Conditions:

1. Provide the required easement for existing LES and other utility lines.

Prepared by:

Michael V. DeKalb, AICP
Planner

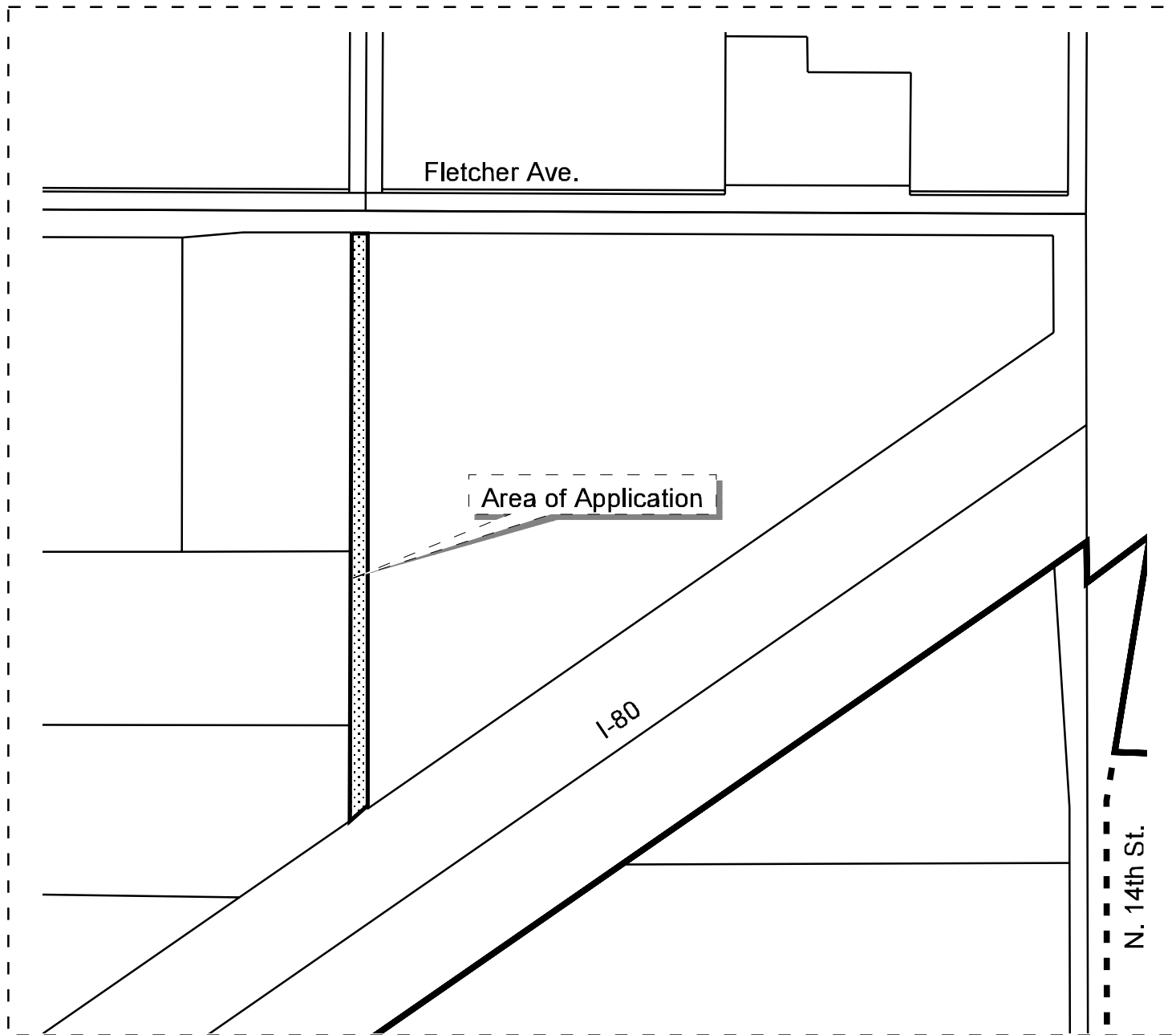


Street & Alley Vacation #01009
N 11th & Fletcher Ave.



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

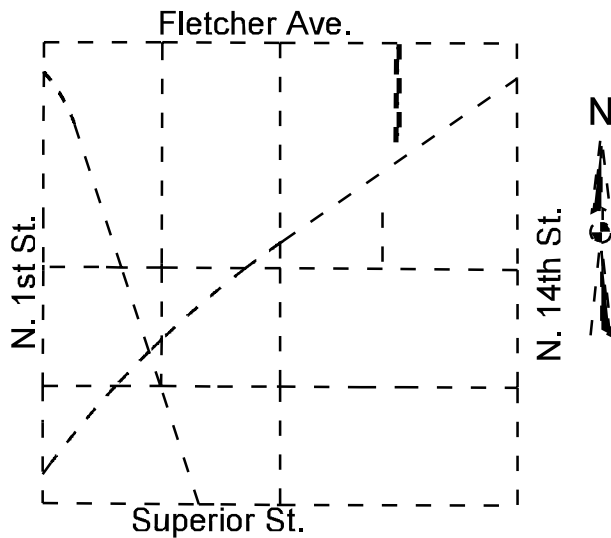
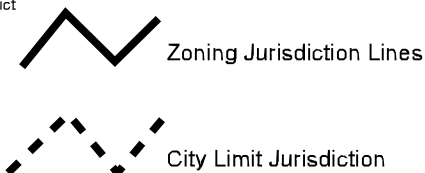


Street & Alley Vacation #01009 N 11th & Fletcher Ave.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

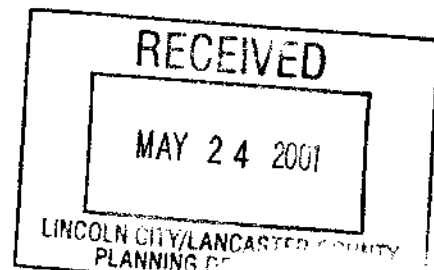
One Square Mile
Sec. 2 T10N R6E

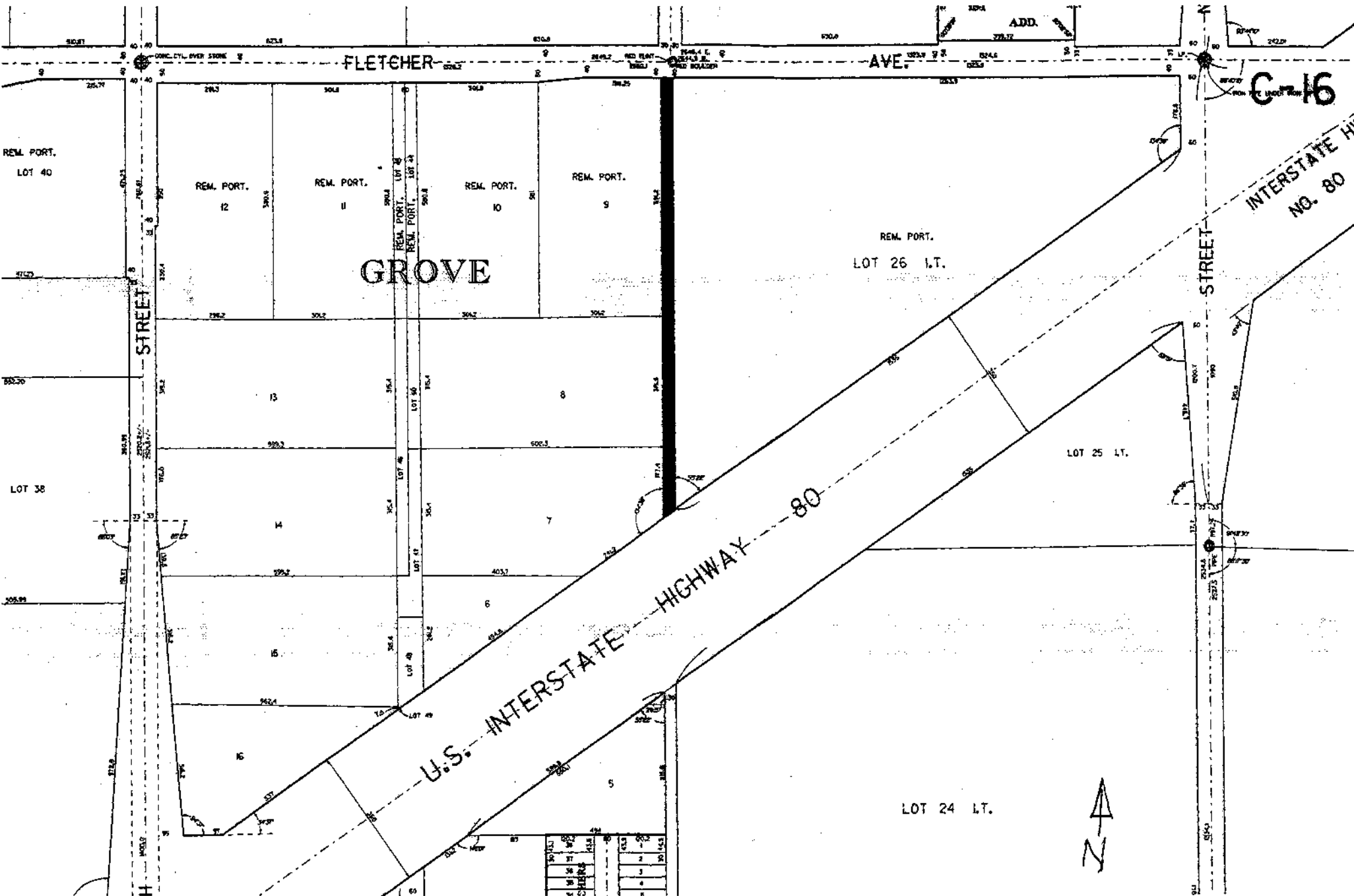


To: Ray Hill - Planning - *MIKE D.*
From: Byron Blum - Public Works *BB*
Subject: Right-of-Way Vacation at 14th & Fletcher
Date: May 23, 2001
cc: Dennis Bartels
Roger Figard
Nicole Fleck-Tooze

I have reviewed the area of the proposed vacation. There are no City of Lincoln utilities in this corridor. This review does not include natural gas, electric, phone, cable, fiber optics lines or any other utility outside the Public Works Department responsibilities.

Public Works has no objections to this vacation.





C-16

INTERSTATE HW
NO. 80



Lancaster County Clerk

COUNTY-CITY BUILDING
555 SOUTH 10TH STREET
LINCOLN, NE 68508-2803

(402) 441-7461
FAX (402) 441-8728



BRUCE MEDCALF
CLERK

GWEN THORPE
DEPUTY CLERK

May 16, 2001

Don Thomas
County Engineer
444 Cherry Creek Road
Lincoln, NE 68528

Dear Don:

The Lancaster County Board of Commissioners took the following action at their regular meeting on Tuesday, May 15, 2001:

Moved by Heier and seconded by Steinman to approve Resolution 01-33 directing the County Engineer to conduct a study regarding vacation a portion of a County road located on North 11th Street between Fletcher Avenue and Interstate 80 in Lancaster County, Nebraska (R-01-33). On call Campbell, Steinman, Workman, Hudkins and Heier voted aye. Motion carried.

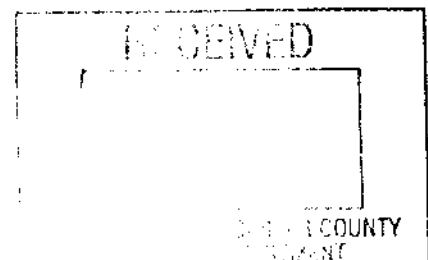
Respectfully,

A handwritten signature in cursive script that reads "Bruce Medcalf".

Bruce Medcalf
County Clerk

xc: Jean Walker, Planning

If you would like to see any additional testimony regarding this item, please contact the County Clerk's Office for a copy of the minutes.



FILED

MAY 10 2001

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

LANCASTER COUNTY CLERK

DIRECTING THE COUNTY ENGINEER)
TO CONDUCT A STUDY REGARDING)
VACATING A PORTION OF COUNTY)
ROAD LOCATED ON NORTH 11TH STREET)
BETWEEN FLETCHER AVENUE AND)
INTERSTATE 80, LANCASTER COUNTY)

RESOLUTION NO. R-01-33

WHEREAS, the Board of County Commissioners of Lancaster County, Nebraska, ("the Board"), pursuant to Neb. Rev. Stat. §39-1722 (Reissue 1998), when it deems the public interest may require vacation or abandonment of a public road of the County, may direct the person responsible for maintenance of the public roads in Lancaster County to conduct a study regarding the use being made of such public road and to submit in writing to the Board within thirty days, a written report upon the study made and their recommendation as to the vacation thereof; and

WHEREAS, the Board received verbal information from the County Engineer's Office and written information, marked as Attachment "A", attached hereto and incorporated by this reference, that the public interest will be served by vacating a portion of county road located on North 11th Street between Fletcher Avenue and Interstate 80, Lancaster County, Nebraska; and

WHEREAS, the Lancaster County Engineer is the person responsible for the maintenance of county roads in Lancaster County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that the Lancaster County Engineer, or such person designate by the Engineer, shall conduct a study of the use being made of the above-described portion of county road, and to submit in writing to the Board within thirty days, a report upon the study made and their recommendation as to the vacation thereof; and

BE IT FURTHER RESOLVED, that in accordance with the provisions of Resolution No. 3049, a copy of this Resolution shall be served upon the Lincoln/Lancaster County Planning Department, which shall report in writing within thirty days, unless a longer period is granted by the Board, as to the character and degree of conformity or nonconformity of the proposed vacation to the Comprehensive Plan.

DATED this 15 day of May, 2001, at the City County Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 16th day of
May, 2001.

David W. Johnson
for GARY E. LACEY
County Attorney

Linda Steinman
Bernard Keen
Bob Workman
James H. Huth
Kathy Campbell

MAY 1 2001

PETITION FOR VACATION OF PUBLIC ROAD

LANCASTER COUNTY CLERK

The undersigned registered voters of Lancaster County, Nebraska reside within ten (10) miles of a segment of public road right-of-way described as:

A full 30 ft. wide strip of land, lying right on the West side of Lot 26. Running approximately 1101 ft. long from North to South, from Fletcher Ave. to Interstate 80 (approximately 3/4 Acre)

a map of which is attached hereto, hereby petition the County Board of Lancaster County to vacate said segment of public road for the reason that: This 30' strip was created in 1888, has never been used, and can go no-where. It fully lies along lot 26 which is owned by myself. All my property is used for agriculture use. Need additional footage to meet set-back requirement to enlarge present steel building on lot 26.

And further request that a time and date be set for a public hearing before the County Board on this matter.

NAME	ADDRESS
1. <u>DONALD W. SPIKER</u>	<u>1201 FLETCHER AVE LINCOLN NE</u>
2. <u>LINDA L. SPIKER</u>	<u>1201 FLETCHER AVE LINCOLN, NE</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

INFORMATION SHEET

This information sheet should be completed by each primary petitioner. The attached "Petition to Vacate with Release and Waiver of Rights and Title and Quit Claim to County of Lancaster, Nebraska" should also be completed according to the instruction contained in the Instruction Sheet.

1. Petitioner's Name Donald W. Spilker
2. Petitioner's Address 1201 Fletcher Ave, Lincoln NE 68521
3. Petitioner's Telephone Number Home: 402-477-0387 Cel: 402-430-0706
4. Street/Alley/Public Way sought to be vacated 30 ft. strip laying entirely on the West side of Lot 26

5. Why are you seeking to have this street/alley/public way vacated?

Need the additional ground to meet set-back requirements to add on th the West side of my existing steel building located on the West side of Lot 26

6. What use(s) do you propose to make of the public way if vacated?

All ground will fit into my agriculture use as Christmas tree production.
meeting set-back requirement for building enlargement

I (WE) DO INTEND TO PURCHASE (describe area intended to be purchased)

Full 30 ft. width of ground along the West side of Lot 26 approx 1101 ft. long
(approx 3/4 Acre)

OF THE VACATED PUBLIC WAY WHICH ABUTS THE PROPERTY OWNED BY ME (US) AS DESCRIBED IN THE PETITION TO VACATE PUBLIC ROAD.

X YES NO

Prior to the public hearing the property will be appraised. The purchase price of the portion you intend to buy must be deposited with the County Clerk before receiving a deed to said property or the property will be sold to any other party willing to pay the purchase price. The vacation resolution will not become final until the full price of the entire public road proposed to be vacated has been paid.

BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN COMPLETED AND IS ATTACHED TO THE INFORMATION SHEET.

PETITION TO VACATE PUBLIC ROAD
WITH RELEASE AND WAIVER OF RIGHTS
AND TITLE AND QUIT CLAIM TO COUNTY
OF LANCASTER, NEBRASKA

*
*
*
*
*
*
*
*
*

(For Register of Deeds Use Only)

TO THE COUNTY BOARD OF THE COUNTY OF LANCASTER, NEBRASKA

The undersigned property owner(s) hereby ask and petition you to vacate the following described street/alley/public road, to-wit:

30 ft. wide by approx 1101 ft. long running totally along the West side of Lot 26
owned by Donald W. Spilker

in the County of Lancaster, Nebraska, to reserve and retain in said street, alley, or other public way such title, rights, easements and privileges as it may deem necessary. In consideration of the vacation of the above described street, alley or other public road, we, and each of us, for ourselves, our heirs, administrators, successors, and assigns, hereby waive and release any and all claims, causes of action, title, rights and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of or resulting from such vacation of said street, alley, or other public way; and hereby remise and forever quit claim unto the County of Lancaster, Nebraska and to its successors and assigns forever, all right, title, interest, estate, claim and demand, both at law and in equity, of, in and to all of said street, alley or other public way, together with all and singular there hereditaments thereunto belonging.

TO HAVE AND TO HOLD the above described street, alley or other public way unto the County Lancaster, Nebraska and to its successors and assigns, so that none of the undersigned, nor any person in his, her, their or its name(s) or behalf, shall or will hereafter claim or demand any right or title to the said premises or any part thereof, but they and every one of them shall by these presents be excluded and forever barred.

The undersigned hereby represent(s) that he, she, they or it is (are) the owner(s) of the following described property in Lancaster County, Nebraska, abutting on said street, alley or other public way, to-wit:

Lot 26 NE Ex N40' for road 2-10-6

Dated this 1 day of May, 2001.

Donald W. Spilker

State of Nebraska)
Lancaster County)ss

Before me, a notary public qualified for said county, personally came _____

Donald W. Spilker

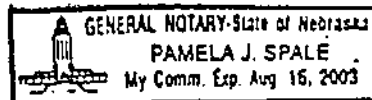
known to be the identical person(s) who signed the foregoing instrument, and acknowledged the execution thereof to be his, her or their voluntary act and deed for the purposes therein set forth, and acknowledged that he, she or they signed the foregoing instrument with the view of having said County of Lancaster vacate said street, alley or other public road and the County of Lancaster reserving and retaining in said street, alley or other public road such title, rights and privileges as it may deem necessary, together with a waiver and release of any and all claims, causes of action, title, rights, demands and quitclaim.

WITNESS my hand and notarial seal on May 1st, 2001.

Pamela J. Spale

Notary Public

My commission expires: Aug 16, 2003



N 1/2 SEC. 2 T10N - R1E

SEP 22 1997

IST

ADD.

Fletcher AVE.

REM. PORT.

REM. PORT.

REM. PORT.

LOT 26 I.T.

LOT 25 I.T.

AG

HIGHWAY 80

STREET

INTER

S.P. 1581
Don Spilber
1701 Fletcher Ave



Lancaster


County

Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: May 30, 2001
TO: Lancaster County
Board of Commissioners
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: RESOLUTION 01-33 - VACATION OF A HALF STREET
DESIGNATED AS NORTH 11TH STREET
BETWEEN INTERSTATE 80 AND FLETCHER AVENUE

In review, this office finds this half street (30.0' right-of-way) was dedicated as a part of "Grove Park Addition" in 1887. This street, to the best of our knowledge, was not opened for the use of the general public.

For your information, "North 9th Street", to the west of this requested location, was vacated a number of years ago.

This office has no immediate plans, nor any long range plans, that would include the need to utilize the 30.0' right-of-way that was dedicated.

Therefore, this office would recommend approval of the vacation request subject to retaining a blanket easement for utilities.

This office would further recommend that disposal of this parcel, be no less than as a whole or as directed by the Lancaster County Board of Commissioners.

Value, if any, is unknown at this time. A follow-up letter will be forthcoming pertaining to any value.

cc: Mike DeKalb
Planning Department

LVW/cm
WP51/VACATION/North 11th StreetMem

Post-It® Fax Note	7671	Date	5-30	# of pages	1
To	Mike DeK	From	Larry W		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			